



Federal Communications Commission
Washington, D.C. 20554

April 27, 2020

Hearst Stations Inc.
PO Box 1800
Raleigh, NC 27601
shartzell@brookspierce.com

ION Media Sacramento License, Inc.
601 Clearwater Park Road
West Palm beach, FL 33401
BiancaFrye@ionmedia.com

Rural California Broadcasting Corp.
PO Box 94928
Rohnert Park, CA 94928
Darren_LaShelle@norcalpublicmedia.org

Re: Requests for Waiver of the Post-Incentive Auction Consumer Education Requirements
KQCA(TV), Stockton, CA; KSPX-TV, Sacramento, CA; and KRCB(TV), Cotati, CA
Facility ID Nos. 10242, 52953, and 57945
LMS File Nos. 0000112293, 0000112131, and 0000111996

Dear Licensees,

Hearst Stations Inc., licensee of KQCA(TV), Stockton, California (KQCA), ION Media Sacramento License, Inc., licensee of KSPX-TV, Sacramento, California (KSPX-TV), and KRCB(TV), Cotati, California (KRCB) (collectively Stations and Licensees), have filed the above captioned requests for waiver of the Commission's post-incentive auction consumer education requirements.¹ For the reasons below, we grant the Stations' requests for waiver, as conditioned herein.

Background. Pursuant to section 73.3700(c)(3) of the Commission's rules (Rules), repacked stations must air sixty (60) seconds per day of on-air crawls or public service announcements (PSAs) beginning 30-days prior to discontinuing operations on their pre-auction channel.² The Media Bureau (Bureau) has stated that to the extent a station is not able to comply with its consumer education requirements, it must file a request for waiver.³ Waivers will be evaluated on a case-by-case basis in accordance with the Commission waiver standard and must include the following information: (1) an

¹ 47 CFR §§ 73.3700(c)(3).

² *Id.*

³ *Incentive Auction Task Force and Media Bureau Remind Repacked Stations of Certain Post-Auction Transition Requirements and Deadlines*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 33 FCC Rcd 8240, 8245, para. 15, n.41 (IATF & MB 2018) (*Transition Reminder Public Notice*).

explanation describing why the station is unable to comply with the existing consumer education requirements; (2) an alternative but comparable means the station will use to notify viewers of the station's new channel; and (3) why grant of the waiver request complies with the Commission's general waiver standard.⁴ A waiver is appropriate where the particular facts would make strict compliance inconsistent with the public interest and deviation from the general rule would relieve hardship, promote equity, or produce a more effective implementation of overall policy on an individual basis.⁵

The Stations are each assigned to transition Phase 9, which had a testing period start date of March 14, 2020, and has a phase completion date of May 1, 2020. Due to the impacts of the COVID-19 pandemic,⁶ the Stations concluded in mid-to-late March 2020 that they would not be able to meet their phase completion date and would require a modification of their phase assignment to Phase 10.⁷ In early April 2020, the Stations determined that they would be able to meet their current phase completion date. However, because the Stations' had initially determined that they would not be able to meet their phase completion date, they did not commence the required consumer education announcements until after the thirty-day deadline for doing so had passed.⁸ As a result, the Stations have requested a waiver of the consumer education requirements so they may complete their transition by May 1, 2020. In order to ensure viewers are fully informed about the Stations' transition, the Stations have each committed to conduct consumer education and outreach efforts beyond what is required by Commission rules, including but not limited to: (1) additional public service announcements and crawls; (2), the use of digital and social media; and (3) transition-related information provided during the Stations' newscasts.

Discussion. Upon review of the facts and circumstances presented, we find that the Stations' requests for waiver are in the public interest. Allowing the Stations to transition by May 1, 2020, will also promote the deployment of new wireless broadband services by enabling T-Mobile, a winning 600 MHz licensee, to deploy new wireless broadband service in and around the Sacramento and San Francisco as scheduled. In order to ensure that viewers are fully informed about the Stations' transition, the Stations have committed to undertake expanded consumer education efforts. Cumulatively, the viewer notice and outreach efforts proposed by the Stations will result in more consumer education than would have occurred if the Stations had commenced their viewer notices thirty days prior to their planned transition date. As a result, we find that granting the Stations' requests for waiver of the post-incentive auction consumer education requirements will aid the deployment of new wireless broadband services in the 600 MHz Band and the expanded consumer education efforts committed to by the Stations will ensure viewers are fully informed about the transition.

Accordingly, we **GRANT** the above captioned requests for waiver of the Commission's post-incentive auction consumer education requirements, 47 CFR § 73.3700(c)(3), subject to all the

⁴ *Id.*

⁵ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); 47 CFR § 1.3 (waiver for good cause shown).

⁶ The World Health Organization has classified COVID-19 as a pandemic and the President of the United States has declared the COVID-19 pandemic a national emergency.

⁷ See *Guidance for Stations in Phase 9 of the Post-Incentive Auction Transition as a Result of the Novel Coronavirus (COVID-19) Pandemic*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, DA 20-282 (IATF & MB, Mar. 17, 2020).

⁸ Based on the Station's requests and information provided to Bureau staff, the Stations began airing their consumer education announcements as follows: (1) KQCA on April 11, 2020, (2) KSPX-TV on April 8, 2020, and (3) KRCB on April 10, 2020.

commitments made in the Stations' waiver requests and compliance with all other Commission rules applicable to transitioning stations.⁹

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Cc: (via electronic mail):
Derek Teslik, Esq.
Terri Santisi

⁹ See generally 47 CFR § 73.3700 and *Transition Reminder Public Notice*, 33 FCC Rcd 8240. We remind the Licensees that if the Stations must commence operations on its post-auction channel at variance from the parameters authorized in its construction permit, it must file for and be granted special temporary authority prior to commencing operations. See 47 CFR § 73.1635. A station that needs additional time to complete construction of its post-auction facility beyond its construction permit expiration date must file for a 180-day extension of its construction permit in accordance with Section 73.3700(b)(5)(iv). Stations needing additional time to construct after a 180-day extension is granted, will be subject to the Commission's tolling provisions. 47 CFR § 73.3700(b)(5)(iv). Grant of an extension of time to construct does not relieve a station of the requirement that it ceases operation on its pre-auction channel by its assigned phase completion date.